

Application No.: 10/645,259

Amendment dated: September 23, 2005

Reply to Office Action dated: June 30, 2005

**AMENDMENTS TO THE DRAWINGS**

The seven (7) pages of formal drawings which accompany the present amendment are to replace the originally submitted drawings which accompanied the subject patent application at the time of filing. Replacement drawings have been submitted.

Attachment: Replacement Sheet

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**REMARKS/ARGUMENTS**

Claims 1-33 are pending in the application. Claims 1-3, 6, 7, 13, 15-18, 21, and 22 are rejected.

Claims 1-3, 7, 13, 15-18, and 22 are rejected under 35 U.S.C. §102(e) as being anticipated by Fujii et al., (Fujii) U.S. Patent No. 6,653,761. Claims 6 and 21 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Fujii.

**Drawings**

Replacement drawings are being submitted with this response to comply with the Examiner's request.

**Claim Rejections under 35 U.S.C. §102**

Claims 1-3, 7, 13, 15-18, and 22 are rejected under 35 U.S.C. §102(e) as being anticipated by Fujii. Fujii discloses a method of producing a micro-actuator for fine movement of a magnetic head. (*See* Fujii, Col. 1, Lines 8-10).

Applicants respectfully submit that Fujii does not disclose an actuator element physically supported by a suspension element as recited in claims 1 and 13, but rather discloses a suspension element supported by a piezo micro-actuator. It is clear from Figures 2, 3A, 3B, and 13 of Fujii that the suspension 18 is in fact supported by the piezo micro-actuator 16 and that the piezo micro-actuator 16 is supported by the actuator base 22, not the suspension 18 .

Therefore, claims 1 and 13 are not anticipated by Fujii. Accordingly, reconsideration and

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withdrawal of the rejection of claims 1 and 13 under 35 U.S.C. §102(e) is respectfully requested.

In addition, Applicants respectfully submit that claims 2-3, 7, 15-18, and 22 are allowable as depending from allowable base claims 1 and 13.

**Claim Rejections under 35 U.S.C. §103**

Claims 6 and 21 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Fujii.

As discussed above, Fujii does not disclose an actuator element physically *supported by* a suspension element as recited in claims 1 and 13, and by their dependency claims 6 and 21. Therefore, Applicants respectfully submit that claims 6 and 21 are allowable as depending from allowable base claims 1 and 13 given the arguments above.

Based on the arguments above, reconsideration and withdrawal of the rejection of claims 6 and 21 under 35 U.S.C. §103(a) is respectfully requested.

For all the above reasons, the Applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to the deposit account of Kenyon & Kenyon, deposit account no. **11-0600.**

Respectfully submitted,

KENYON & KENYON

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